

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
ARIELLE WALSH, on behalf of herself))	
and all others similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 15-472 S
)	
GILBERT ENTERPRISES, INC.,)	
d/b/a CLUB FANTASIES, and)	
FRANCIS DELUCA,)	
)	
Defendants.)	
_____)	

ORDER

This is one of four cases brought on behalf of exotic dancers at various Rhode Island night clubs. (See also Levi v. Gulliver's Tavern, Inc., C.A. No. 15-216 ("Levi"); Binienda v. Atwells Realty Corp., C.A. No. 15-253 ("Binienda"); Pizzarelli v. The Cadillac Lounge, LLC, C.A. No. 15-254 ("Pizzarelli".) The cases involve substantially similar allegations and identical causes of action. (Compare Levi Am. Compl., ECF No. 13 in C.A. No. 15-216, with Binienda Am. Compl., ECF No. 10 in C.A. No. 15-253, with Pizzarelli Compl., ECF No. 1 in C.A. No. 15-254, with Walsh Compl., ECF No. 1 in C.A. No. 15-472.)

Before the Court is Defendants' Partial Motion to Dismiss ("Motion"). (ECF No. 10 in C.A. No. 15-472.) In the Motion, Defendants argue that Plaintiffs: (1) failed to plead facts sufficient to hold Francis Deluca individually liable for Plaintiffs' claims; (2) failed to state a cognizable claim in Count

II, Plaintiffs' unlawful tip sharing claim; and (3) that R.I. Gen. Laws §§ 28-14-2 and 28-14-2.2 do not support Plaintiffs' claim for relief in Count V, Plaintiffs' "unlawful fees and fines" claim. (See Defs.' Mem. 4, 5, and 7, ECF No. 10-1 in C.A. No. 15-472.) These are the same claims that Defendants moved to dismiss in Levi. (Compare Defs.' Mem., ECF No. 10-1 and Pls.' Opp'n, ECF No. 16 in Walsh, C.A. No. 15-472, with Defs.' Mem., ECF No. 15-1 and Pls.' Opp'n, ECF No. 17-1 in Levi, C.A. No. 15-216.) And both Defendants and Plaintiffs largely copy - often verbatim - the arguments raised by the parties in Levi. (Id.)

Given these similarities, the Court need not write separately in the present action. The Court GRANTS IN PART and DENIES IN PART Defendants' Partial Motion to Dismiss for the reasons set forth in the Court's Memorandum and Order in Levi. (See Levi Mem. & Order, ECF No. 21 in C.A. No. 15-216.) Specifically, the Court GRANTS Defendants' Motion to Dismiss as to Count II, and as to Francis Deluca, and dismisses those claims without prejudice. The Court DENIES Defendants' Motion to Dismiss as to Count V.

IT IS SO ORDERED.



William E. Smith
Chief Judge
Date: April 7, 2016